

Should we play dirty tricks in the world?

Cobra poison and assassination plots notwithstanding, the problem is not of a monster C.I.A. run amok.

It is whether the U.S. wants and needs the capacity to perform covert operations abroad. And if so, under what controls?

By Leslie H. Gelb

WASHINGTON. The current spate of Congressional and press investigations of the Central Intelligence Agency has cast that organization, for many Americans, in a new and sinister light. The men who have devoted their lives to anonymous power—Richard Helms, William Colby, Thomas Karamessines, James Angleton—have had their day on national television, and they don't look good. It is not easy to look good defending illegal break-ins, mail-openings, stashes of cobra and shellfish poison, Mafia connections and plots to overthrow foreign governments and assassinate foreign leaders. Past concerns over allegations of irresponsibility and zealotry within the C.I.A. have been heightened by a cumulative impression, at times, of a monster run amok. Yet there has been little debate about the question that will have to be faced after the sensations recede and the reports are all in: What kind of intelligence agency does the country need, and how are its officials to be kept under better control?

The essential goal, of course, has always been capability to collect important intelligence information and analyze it well. One reason for the ludicrous nature of some of the revelations of C.I.A. derring-do in collecting information is that these efforts led to predictions that cannot be called brilliant. In fact, the agency's entire record in forecasting outbreaks like the 1973 Middle East war, or assessing power factors such as the Soviet missile program, has been mixed to poor. Yet the nub of the intelligence problem does not lie here.

If there ever was a time when intelligence looked first to a "mole" hidden away in the interstices of power in another government, or to a Mata Hari, that day has long since passed. Intelligence gathering now depends pre-eminently on open sources, such as newspapers, and technical means, such as listening posts that can hear conversations at great distances and spy satellites that can photograph a tie clasp—methods that do not, as a

rule, violate accepted norms of international behavior and morality. The problem lies—as it always has—in improving the predictions based on the information brought in. The information is usually adequate, but analysts and political leaders have blinders that make them reluctant to draw the necessary conclusions. For example, all the warning signs were there for Pearl Harbor, yet our leaders could not believe that the Japanese would dare attack. Improving the analysis of the information collected is, thus, mainly a matter for executive action.

The real question confronting the country lies, by and large, outside the realm of intelligence gathering. It is a question of policy. Does the United States want an intelligence agency capable of conducting covert operations aimed at influencing political developments in other countries—and, if so, for what purposes and under what restrictions?

The question, with its implicit dilemma of how to reconcile secrecy with the kind of supervision necessary to a democracy, is not new to Washington. The conclusions of various studies of the past 20 years have been distilled in recent months into three approaches. One, advanced by the Commission on C.I.A. Activities Within the United States, headed by Vice President Rockefeller—and largely endorsed by the Commission on the Organization of the Government for the Conduct of Foreign Policy, led by retired Ambassador Robert D. Murphy—calls for streamlining supervision of the C.I.A. within the executive branch and for reporting covert operations to a new joint Congressional committee. A second approach would take covert operations out of the C.I.A. and entrust them to some other agency, perhaps the State Department, and would require prior Congressional approval of such activities. A third approach holds that covert operations are almost always nonproductive, too risky and inherently uncontrollable, and should be prohibited by law.

The first proposal amounts to nothing more than rearranging the existing hall of mirrors; moreover, by reducing the number of hurdles to approval, both within the executive branch and Congress, it would make it easier for President Nixon to authorize covert actions. The second approach aims at one of the real problems—control of covert operations—but does not say enough about the more basic

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issue of the policy behind the operations. And the case for the third has not been made persuasively. But it is with the third approach that the debate has to begin. For if the intelligence community is barred from carrying out covert operations, no bureaucratic boxes need be juggled, no complicated policy guidelines need be established, and no new Congressional committees need be set up, there being no serious issue of supervision and control.

Covert operations encompass many things. They include *sub rosa* relationships with top political leaders, such as the C.I.A. had with the late military junta in Greece; bribing foreign officials, from police chiefs to heads of state; secret financing of election campaigns, along with "dirty tricks" against opposing candidates; use of organizations like the Catholic Church, the A.F.I.-C.I.O. and the oil companies as covers for operators and funnels for delivery of money, "technical assistance" and arms; covert propaganda, such as the radio broadcasts and leaflets that encouraged the Hungarians in 1956 to revolt, by leading them to believe that the United States would help; developing a network of foreign spies and arranging for exchanges of captured agents, such as the 1962 swap of Soviet Col. Rudolf Abel for U-2 pilot Francis Gary Powers; economic operations, like the fantastic scheme in the early 60's to destroy Cuba's economy by depressing the world price of sugar; and, finally, various levels of paramilitary action to support or overthrow a regime—the list is long, but includes the Bay of Pigs, the secret war in Laos, the assassination of President Diem, and the coup against the Mossadegh Government in Iran.

As this list suggests, the distinction made earlier between activities designed to influence events and activities aimed at gathering information must be hedged to some extent. Intelligence collection by satellites, listening posts in third countries, and electronic devices on ships or aircraft outside of the target nation's territory are mostly nonprovocative and not prone to incident. But these techniques have led to some of the most embarrassing and controversial incidents of past years. They include the U-2 spy plane shot down over Soviet territory in 1960; the Pueblo spy ship captured by the North Koreans in 1968; the EC-121 spy plane

shot down by the North Koreans in 1969; and the operation known as Holystone, in which American submarines were assigned to tail Soviet submarines even into Soviet territorial waters for purposes of antisubmarine warfare.

vert operations go as follows: There is no statute that sanctions them. They are contrary to the highest principles of international law concerning national sovereignty. We do not and would not tolerate others doing these things to us. As Richard J. Barnet of the Institute of Policy Studies has written, these operations are the product of a great-power mentality "primarily directed against those societies least able to hurt the United States because they are least able to protect themselves from penetration." That means against the third-world nations, and not Moscow, Peking or Hanoi. And, as Prof. Richard A. Falk of Princeton University has argued: "The C.I.A.'s role has been to keep repressive governments in power and to overthrow or harass more progressive regimes." Many of these operations, like the Bay of Pigs invasion and the secret war in Laos, have been colossal failures. And, to the heart of the matter, David Wise has written: "The fact that other nations may engage in covert political action is not sufficient justification for the United States to do so; for if we adopt the methods of our adversaries, we will become indistinguishable from them."

Seated in his office overlooking the parklike grounds of "the Agency" at McLean, Va., William Colby, lame-duck director of the C.I.A., who has held that post for more than two years, presented his case for continuing the covert operations. He talked about the many situations around the world where, he said, "benign" technological collection of information was not enough. In closed societies particularly, he argued, technology must be supplemented by human collection. "We were startled by the Soviet launching of sputnik, and we can't afford to be startled like that." And the record of C.I.A. interventions has not been one of unrelieved failure; there were important successes as well. "Postwar Western Europe was threatened by military forces, economic chaos and subversive Communist parties; these were met by the Marshall Plan and C.I.A. help. It was thought that Cas-

tro would sweep Latin America, but through the Organization of American States, the Alliance for Progress, and with C.I.A. assistance, this did not happen. In the 60's the Soviets made a major effort to involve themselves in Africa, and it was a bust."

Colby spoke of the need to retain a capability for covert intelligence operations with respect to "the future regional big power," like Iran, Brazil, Zaire and Indonesia. He projected situations years hence, when these powers presumably would be strong enough to have an appreciable impact on the American economy. Alluding to the danger of their acquiring nuclear weapons, he made the point that knowing about their nuclear development programs would give the American Government a chance of affecting decisions in their capitals. But the heart of the matter for him was this: "We are going through a temporary period where events in most lands don't affect our national security, but circumstances do change." The implication was that détente with the Soviet Union is a transitory phase, that Washington and Moscow will find themselves at sword's point again, and that the capability for covert operations had better be retained.

Before these pros and cons can be sorted out, a myth must be cleared away. From Berlin to Guatemala, from Vietnam to Cuba, the C.I.A. has been the cutting edge of American cold-war foreign policy. In many places, it seemed too dangerous or too blatant to use men in uniform, and too unreliable and insufficient to employ traditional diplomatic tools. Between the worlds of the soldier and the diplomat, our leaders plunged the C.I.A. into an underworld of international diplomacy. But the C.I.A. did not run amok. While the agency is taking the heat now for covert ventures, virtually everyone with direct knowledge of these matters maintains that policy objectives are formulated outside the C.I.A., and the C.I.A. carries out the

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Wherever the eye is cast, from the massive covert financial aid to Western European Socialist parties after World War II to the undermining of President Allende of Chile, the decisions were made and reviewed by the responsible policy-makers, including Presidents themselves. In some instances—most conspicuously in Indo-

china—the C.I.A. pressed hard for its own programs and strategies and was quite influential; and in some other instances, the agency began by following orders but ended up shaping policy to its own ends, as in the case of the Bay of Pigs and perhaps in some assassination efforts. But by and large, when it comes to assessing responsibility for the initiation or failure of covert operations, the fault lies less with the C.I.A. than with the White House and with Presidential policy. And it often lies with Congress as well. The fact is that Congress, both by what it has done and what it has not done, abdicated its supervisory responsibilities. Just as it was wrong to pin American involvement in Vietnam on the lies of the Pentagon, so it makes little sense now to blame the C.I.A. for 30 years of covert operations. In both cases, the causes were rooted in the national American consensus behind the waging of the cold war. And in neither case will the nation profit from the experience unless this is recognized.

The very magnitude of the "intelligence community" attests to a program and purpose that are governmental in scope. At the top of the structure stands the President and his National Security Council. Decisions on covert operations are taken by the so-called 40 Committee. This is a group of officials at the Deputy-Secretary level from all the major departments, headed by Henry Kissinger or the President's chief national security aide. These decisions, and intelligence activities generally, are reviewed by the President's Foreign Intelligence Advisory Board, a panel of very distinguished, and very part-time, outsiders. The National Security Council's principal adviser on intelligence matters is the Director of Central Intelligence, who is

also director of the C.I.A. and is charged with coordinating the activities of the entire intelligence bureaucracy. But the Director's actual authority begins and ends with the C.I.A.

His staff numbers about 15,000. That does not make it the largest of the intelligence units. The National Security Agency, which is responsible for monitoring and deciphering foreign electronic communications and protecting the Government's coded traffic, has a staff of about 20,000. The Army's intelligence branch has about 38,500 men. Air Force intelligence, with the related Na-

tional Reconnaissance Office, which runs the spy-satellite programs, numbers about 60,000. In addition, there is Navy intelligence, with 10,000 men; the Defense Intelligence Agency, which coordinates intelligence from the military services, with a staff of 5,000; and the State Department's small Bureau of Intelligence and Research. (350).

Nor is the C.I.A. the costliest of the intelligence units. Although the agency's budget is one of Washington's most prized secrets, Senator William Proxmire, Democrat of Wisconsin, who has studied the subject, estimates the figure at \$750 million. That, according to Proxmire's estimates, compares with \$775 million spent annually on Army intelligence, a like sum for Navy intelligence, \$1 billion for the National Security Agency, and \$2.8 billion for Air Force intelligence. The Defense Intelligence Agency takes an estimated \$100 million and State Department intelligence \$8 million.

With the myth of the C.I.A. as a rogue elephant disposed of, another misconception must be tackled—that the debate should turn on whether the United States should intervene in the workings of another nation. Such intervention goes on, and has always gone on, every day. It inheres in almost every foreign act of state. The giving or denying of economic and military aid; public speeches aimed at influencing leaders and policies; treaties, trade arrangements and the like—all this

constitutes regular and substantial interference, and on a two-way street. For at its very essence, foreign policy is the extension of the power and influence of one nation over the affairs of other nations.

Nor is the question illuminated by saying that overt intervention is inevitable but the line must be drawn at covert intervention. Covert-ness has always been part of the international game. In the case of the United States, other agencies besides the C.I.A. conduct covert operations. The Defense Intelligence Agency, the military services, sometimes even the State Department, undertake money-passing operations, run agents and informers, and sometimes do more. American Embassies have been known to give quiet succor to certain would-be leaders, to lobby quietly for this or that policy. And it is not unusual for an Ambassador to have a "friend at court" who keeps him in-

formed of Cabinet affairs as they sit at the fireside sipping brandy. Is there any real difference between the Ambassador's friend and the C.I.A.'s informer? The informer is often paid, but sometimes he does it for principle. And the rewards to the Ambassador's friend, although less tangible perhaps than payment in money, are nonetheless real.

So it is not intervention per se, overt or covert, that lies at the heart of the question. Rather, it is the allure of using these operations as "easy solutions," the uncertainties of control over implementation, and the danger to the democratic process inherent in covertness.

Thus, secrecy encourages excesses; the capability for covert operations has clearly been abused. As one Senate investigator put it, "Because it's there, big, ready, willing and secret, policy makers have used it too readily, as something to do, regardless of risks." The operations held out the temptation of the quick fix when it appeared that nothing else could be done. Because it would be quick and secret, the prestige of the United States would not be committed. Yet many of these covert enterprises were secret only from the American people and most of the members of Congress; Moscow and Peking knew all about them.

And some of the fixes, like the Laos war, wouldn't take and had to be dragged out.

Thus, also, in the words of former Defense Secretary Clark Clifford, who knew this business intimately during the 60's, "There were too many cases where the agency was given the authority to start with A and go to B, and when it got to B it seemed logical to go to C on its own authority, and so on to D and beyond." And thus, on the potential dangers to American democracy, Clifford warned: "My concern is that a President like Mr. Nixon could turn the C.I.A. inward and destroy our liberties here at home."

Another reason for concern on this score is that much of this vast covert apparatus is located within the United States. American businessmen are involved as covers and channels, and the process of funneling money and arms necessitates friendly banking concerns, "private" airlines, forgers and thieves in training—all within our own borders. The operations also embrace manufacturing concerns, and situations like paying Howard Hughes's firm to build a "deep-sea mining vessel" for the secret purpose of lifting a sunken Soviet submarine. And

when the National Security Agency was intercepting "foreign" conversations and messages, it was listening in on many innocent Americans as well.

Finally, it must be recognized that much of the current criticism against covert operations is motivated not so much by the principle of noninterference as by the ends to which a good deal of such interference has been directed, and by the degree of covert intervention. This is a problem not of controls but of foreign policy. The C.I.A.'s capability for covert action has led in the past to ventures, like paramilitary operations to overthrow duly constituted governments, that people in those countries have every reason to regard as being beyond the pale. Covert operations of that nature and scale do indeed raise issues of principle.

Americans plainly disagree on whether their Government should be supporting progressive regimes or conservative ones, or stopping Communism, or being indifferent. A look at two current operations will show that even Congressmen with good liberal credentials find themselves torn on the subject.

Since last spring, the Ford Administration has used the C.I.A. to funnel millions of dollars into the hands of non-Communist parties in Portugal. The conduits were the West European Socialist parties, labor unions, American citizens of Portuguese ancestry, and the Catholic Church. Many of these groups were already giving overt and covert aid to their friends in Portugal. The aim was to make the non-Communist parties, which had won the last free election by an overwhelming majority, competitive with the Communists. For despite the election, the Communists were beginning to control the Government through their supporters in the military—and there was substantial evidence of an even more massive influx of covert funds from Moscow to the Portuguese Communist Party.

In the other operation, the C.I.A. plowed money and arms through President Mobutu of Zaire to support two liberation movements in Angola. The third liberation movement had been receiving substantial amounts of arms from the Soviet bloc and was on the verge of an outright military victory. The rationale given for covert American support was not to defeat the Soviet-backed group but to make the others strong enough to negotiate

a coalition government for Angolan independence.

Most liberal Congressmen did not react strongly to the public revelation of either operation. Some, like Senator Dick Clark of Iowa, privately criticized the Angolan operation, but said nothing about Portugal. Senator George McGovern of South Dakota publicly attacked the action in Portugal, but remained mute on Angola. Senator Frank

Church of Idaho, who heads the Senate Select Committee on Intelligence, said on national television that he would not have ruled out the Portuguese operation in principle, but that he thought enough was already being done for the non-Communists by the Western Europeans. And about 40 members of Congress knew about both operations and raised no objections.

My own reaction to the arguments for and against retaining a capability for covert operations is somewhat ambiguous. Much of Colby's reasoning appeals to me on prudential grounds; our attitudes may well change again, and it is better to maintain the capability in law than to ask Congress at some future time to reinstate the operations, with all the attendant dangers of delay and diplomatic embarrassment. Yet I can't escape the conviction that Colby means more by his conclusions than I would agree with. And I find myself assenting to the arguments of the critics while disagreeing with their proposal that covert actions be abolished.

The critics have convinced me that many, but far from all, covert operations have been wrong-minded. But it was right, I feel, to help Western European Socialists and Christian Democrats retain power in France, West Germany and Italy after World War II. (Contrary to what Professor Falk asserts, there have been occasions when C.I.A. aid has gone to progressives, such as the aid being given now to the Angolan independence leader Jonas Savimbi.) The critics have persuaded me of the dangers

posed by a "king's army" to our democracy. But, unlike many of the critics, I see nothing inherently evil in past exercise of executive power, and nothing necessarily salutary in legally denying the President the right to act covertly in certain carefully defined areas, under strong Congressional supervision. If Congress and the President are not prepared to do it this way, then abolish the capability.

But if they are, it should be tried before the capability is abandoned.

Besides, the question will not be settled in a debating forum but in the highly political atmosphere of Washington, and if anything about the politics of the situation is clear, it is that Congress is simply not going to abolish covert operations. The strength of this sentiment can be seen in two recent Congressional votes on making public the secret budget of the C.I.A. Last September, the House Appropriations Committee voted 30 to 19, in closed session, to deny itself knowledge of the C.I.A. budget that had just been approved by its own subcommittee on intelligence. And in October, the full House voted, 267 to 147, against public disclosure of the budget.

With the basic question thus answered, others can be asked. What should be the policy guidelines? How can these guidelines best be embodied in law? What changes should be made in the intelligence bureaucracy and elsewhere in the executive branch to ensure compliance? How can Congress be reorganized to exercise meaningful supervision while allowing for secrecy?

The best policy guidelines for covert action are flat prohibitions. These are the ones I would propose: Don't overthrow or undermine democratically elected or popularly supported or progressive regimes, whether or not they are Communist. Don't engage in paramilitary operations. If the President wants to send Americans into combat, open Congressional approval should be mandatory. No assassinations; no thuggery. Any less explicit directives are subject to erosion.

What is left? Financial aid to democratically elected leaders and parties, who would otherwise lose hope and freedom. Arms aid, in limited and related circumstances. Where there are tough choices, as, say, between a military dictator and a Communist dictator, any involvement should be viewed with suspicion.

The current laws are a shambles, and they need to be redrafted to underpin the new policy guidelines. The National Security Act of 1947, which established the C.I.A., consists of a few hundred gray words. The agency is

supposed to do intelligence work at the bidding of the National Security Council. The agency can do to protect its secrets within the United States. Congress gave itself no supervisory (or "oversight") responsibilities. The executive-branch authors of the act intended it that way.

The Central Intelligence Act of 1949 carried this folly further. In flat violation of the Constitution, which requires regular appropriations and regular accounting of receipts and expenditures, the act allowed the C.I.A. budget to be secreted in the Federal budget and permitted the Director of Central Intelligence to authorize spending on his own voucher.

An amendment to the Foreign Assistance Act of 1947, passed last year in the wake of disclosures of C.I.A. involvement in the coup against Allende, improved supervision only marginally. The law made the President personally responsible for covert operations, but did not define such operations. It was riddled with loopholes. For example, it said the operations had to be reported to Congress "in a timely fashion"; in practice this has meant after the fact, when little can be done about it. The main contribution of the law was to enlarge Congressional knowledge of covert actions. Until that time, only the House and Senate Armed Services and Appropriations Committees were privy. These four committees had formed themselves into subcommittees with ties of friendship to the agency; even some of their members described their "oversight" as perfunctory. To this cozy situation the amendment added the Senate Foreign Relations Committee and the House International Relations Committee.

What then transpired in Senate Foreign Relations was symptomatic of much of the problem. As well as several members could recollect, the committee met in closed session and, without vote or extensive discussion, more or less devolved its general authority on the two senior members, Senators John Sparkman and Clifford Case. The other members were to be kept informed. After Colby briefed the two senior members on the covert action in Portugal, a note was sent around to members saying,

"The CIA chief had come by and if you want to know what he had to say, you can come by. No one did. As one liberal member confided, 'I don't like the set-up, but I don't want to be saddled with the information either.' The fact is that many liberals stay away from all the intelligence subcommittees because they do not want to be tagged in the future with having tacitly approved an operation, even if they agreed with it, or because they want to be free to criticize if anything goes wrong.

A new law must be enacted. The proposals advanced below represent, for the most part, the middle ground in the Washington debate.

First, the name of the Central Intelligence Agency should be changed to the Foreign Intelligence Agency, to underline the point that domestic actions are off limits. (Maintaining this insulation, however, is not as easy as it sounds, because of intricate legal problems created by technology, multinational corporations, and the inherent involvement—earlier noted—of Americans and American concerns.)

Second, assassinations of foreign political leaders should be prohibited. If a

President wants to kill a future Hitler, he'll have to stand ready to justify his action later.

Third, the budget of the whole intelligence community should be made public, so as to abide by the Constitution, provide accountability, and allow for debate on spending priorities.

Fourth, the law must cover all intelligence agencies and all operations, for otherwise activities have a way of being shifted to circumvent Congressional scrutiny.

Fifth, the C.I.A.'s corps of covert operators should be reduced at least by half—and then see. This reduction would fit the restricted policy guidelines discussed above. It would also lessen the operators' influence in Washington, and would bring their number more into line with present and projected requirements for their services.

Transferring covert and related personnel to the State Department or the Pentagon, and establishing a new home for these services, would only serve to transfer the problem, while creating the illusion of having done something. From my experience, wherever the covert functions and secret operators are located, the same few senior officials continue making policy, so

changing the venue would not change the policy makers. Those who propose these changes also argue that the covert operators in the C.I.A. distort the agency's intelligence estimates. But I would rather have them doing that than having greater and more direct influence over policy under the protective wings of the Secretaries of State or Defense. These Secretaries are bound to be more wary of covert operators located in the C.I.A. than if the operators were part of the State Department or Pentagon bureaucracy.

Sixth, a Joint House-Senate Intelligence Committee should be established with real powers and a professional staff—not as a substitute for but in addition to the six committees with current supervisory authority. The committee could consist of about 10 legislators representing divergent ideological persuasions. Half the members might rotate off every four years; this would serve to keep the committee from becoming imbued with C.I.A. attitudes. The committee would serve as the focal point for all intelligence information transmitted by the executive branch, and would be empowered to know whatever it wanted. The other six committees would con-

tinue their practice of very general policy supervision. In this way, secrets initially would remain only with the Joint Committee.

The Joint Committee would have the power of prior approval of covert and related operations and the right of policy review in clandestine collection and related activities. If a majority disapproved, no operation. If, say, one-third of the members disapproved, they would have the right to take the matter to the six already existing Congressional "oversight" committees, either seeking their support or proposing a Congressional resolution prohibiting the operation in area X or country Y.

Washington is only beginning to go through that long gestation period of ploys, leaks and politics that precedes any change. Administration officials do not expect Congress to wipe the intelligence slate clean. But the White House, the C.I.A. and its many friends in town, who have long constituted a potent, informal society for prevention of tampering with the agency, are trying to turn aside whatever movement for reform may be developing. Ford's own reorganization plan, according to those in

the know, appears to feature a Joint Committee of Congress with little power, a more independent Inspector General of the C.I.A., a strengthening of his Foreign Intelligence Advisory Board, and perhaps a new Presidential special assistant for intelligence. If that runs into resistance on Capitol Hill, the White House is apparently prepared to send its proposed new C.I.A. director, Ambassador George Bush, to Congress to plead against new legislation that would tie his hands before he has had time to study the problem.

Normally, Congress would be responsive to such a plea; time would pass, and the momentum toward reform would dissipate. How well delaying tactics of this sort would work in this case depends on whether the House and Senate are ready, at long last, to assume responsibility in the field of foreign intelligence. The question is whether Congress is disposed to treat the future of the C.I.A. as a transitory problem, rolling a few heads, altering institutional facades and warning against violations of the law, or whether it sees it as part of the Vietnam-Watergate experience, requiring some fundamental checks on the covert exercise of power. ■